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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,257	10/26/2001	Yves Delmotte	WM-267.00	3743
7590	10/20/2006		EXAMINER	
Janice Guthrie, Ph.D. BAXTER Healthcare Corporation 17511 Armstrong Avenue Irvine, CA 92614			SILVERMAN, ERIC E	
			ART UNIT	PAPER NUMBER
			1615	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,257	DELMOTTE, YVES	
	Examiner Eric E. Silverman, PhD	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 August 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31, 73 - 94 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-31, 73-94 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892).
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/2006 has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 9, 1, 17 – 26 and 29 – 31 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte et al., US 5,898,215 for reasons of record and those discussed below. In view of amendment, new claims 73 – 79, 85, 87 – 91, and 94 are also included in this rejection.

Response to Arguments

Applicants' arguments have been fully considered, but are not persuasive. Applicants' argue that Delmotte does not teach the pore size in a compressed, dehydrated form of the membrane, and, since Delmotte does not teach dehydration of the membrane, this feature cannot be suggested.

In response, the size of the pores in a dehydrated membrane is an inherent property of the membrane of Delmotte. Since the membrane of Delmotte is identical in

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composition to that of instant claims (the only difference being the radius of curvature), this is understood to be an inherent property of Delmotte's membrane, and as such, is implicit in the teachings of Delmotte. Applicant might overcome this rejection by producing evidence showing that this property is not inherent.

Claims 27 – 28 **remain** rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte in view of Sierra for reasons of record and those discussed below. In view of amendment, claims 92 and 93 are included in this rejection.

Response to Arguments

Applicants' arguments have been fully considered, but are not persuasive.

Applicants' argue that Sierra does not overcome the supposed deficiencies in Delmotte. These alleged deficiencies have been addressed, *supra*.

Claims 10 and 11 **remain** rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte in view of US 4,344,190 ('190) for reasons of record and those discussed below. In view of amendment, claims 80 and 81 are now included in this rejection.

Response to Arguments

Applicants' arguments have been fully considered, but are not persuasive.

Applicants' argue that '190 does not overcome the supposed deficiencies in Delmotte. These alleged deficiencies have been addressed, *supra*.

Claim 14 **remains** rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte in view of US Redl et al. for reasons of record and those discussed below. In view of amendment, claim 84 is now included in this rejection.

Response to Arguments

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Applicants' arguments have been fully considered, but are not persuasive.

Applicants' argue that Redl does not overcome the supposed deficiencies in Delmotte. These alleged deficiencies have been addressed, *supra*.

Claim 12 **remains** rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte in view of US 3,919,414 ('414) for reasons of record and those discussed below. In view of amendment, claim 82 is now included in this rejection.

Response to Arguments

Applicants' arguments have been fully considered, but are not persuasive.

Applicants' argue that '414 does not overcome the supposed deficiencies in Delmotte. These alleged deficiencies have been addressed, *supra*.

Claim 13 **remains** rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte in view of US 5,674,488 ('488) for reasons of record and those discussed below. In view of amendment, claim 83 is now included in this rejection.

Response to Arguments

Applicants' arguments have been fully considered, but are not persuasive.

Applicants' argue that '488 does not overcome the supposed deficiencies in Delmotte. These alleged deficiencies have been addressed, *supra*.

Claim 15 **remains** rejected under 35 U.S.C. 103(a) as being unpatentable over Delmotte in view of US 5,585,007 ('007) for reasons of record and those discussed below. In view of amendment, claim 86 is now included in this rejection.

Response to Arguments

Applicants' arguments have been fully considered, but are not persuasive.

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Applicants' argue that '007 does not overcome the supposed deficiencies in Delmotte. These alleged deficiencies have been addressed, *supra*.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric E. Silverman, PhD whose telephone number is 571 272 5549. The examiner can normally be reached on Monday to Friday 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571 272 8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MICHAEL P. WOODWARD
SUPERVISORY PATENT EXAMINER
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